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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 ANGELINO L PENA,

8 Petitioner,

9 v.

10 DONALD R HOLBROOK,

11 Respondent.

No. 3:18-CV-05975-RBL-DWC

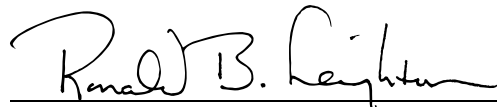
**ORDER ADOPTING REPORT AND
RECOMMENDATION**

12 THIS MATTER is before the Court on the Report and Recommendation of Magistrate
13 Judge David W. Christel [Dkt. # 25], Petitioner Pena's Objections [Dkt. #32], and the underlying
14 record.

- 15 (1) The Report and Recommendation is **ADOPTED**.
16 (2) Pena's federal habeas petition under 28 U.S.C. § 2254 is **DENIED**.
17 (3) The Court will **NOT** issue a Certificate of Appealability under 28 U.S.C. §
18 2253(c)(2), for the reasons articulated in the Report and Recommendation.
19 (4) As Pena has been granted *in forma pauperis*, *in forma pauperis* may continue on
20 appeal. See Rule of Appellate Procedure 24(a)(3).

21 IT IS SO ORDERED.

22 **DATED** this 1st day of November, 2019.

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25 Ronald B. Leighton
26 United States District Judge